

ENTERED

February 09, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

PETE EDWIN MARTINEZ

Plaintiff,

v.

EDDIE GUERRA, CORPORAL MORA
ADAN GUERRERO, BRYAN POWERS
and OFFICER PONCE,

Defendants.

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Civil Action No. 7:23-CV-00298

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the January 11, 2024 Report and Recommendation (“R&R”) prepared by Magistrate Judge Nadia S. Medrano. (Dkt. No. 4). Magistrate Judge Medrano made findings and conclusions and recommended that Plaintiff’s application to proceed *in forma pauperis*, (Dkt. No. 2), be denied as moot and that this civil action be dismissed without prejudice for failure to prosecute. (Dkt. No. 4 at 4).

The Parties were provided proper notice and the opportunity to object to the R&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

Accordingly, the Court accepts the R&R and adopts it as the opinion of the Court.

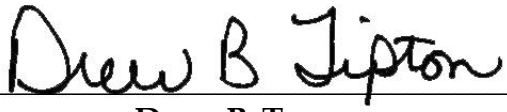
It is therefore ordered that:

- (1) Magistrate Judge Medrano’s R&R (Dkt. No. 4) is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and

- (2) Plaintiff's application to proceed *in forma pauperis*, (Dkt. No. 2), is **DENIED** as moot; and
- (3) This civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

It is SO ORDERED.

Signed on February 9, 2024.



DREW B. TIPTON
UNITED STATES DISTRICT JUDGE